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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
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| 09/803,221 | 03/09/2001 | Albert J. Frattarola | 61-01 | 6781 |

7590 10/22/2003

Paul & Paul
2900 Two Thousand Market Street
Philadelphia, PA 19103

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| EXAMINER |
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SAETHER, FLEMMING

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| ART UNIT | PAPER NUMBER |
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3679

DATE MAILED: 10/22/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/803,221

Applicant(s)

FRATTAROLA, ALBERT J.

Examiner

Flemming Saether

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 August 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

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The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claim Rejections - 35 USC § 103

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over Damm (US 5,462,395) in view of Ernest (US 3,465,803). Damm discloses a captive screw comprising a ferrule (3) and a screw (2) including a head (4), a shank (8), a thread (10) and a collar (13 also see Fig. 8) formed on the shank proximate the thread. The screw being captive on the ferrule between the head and the collar. Damm does not include a spring. Ernest discloses a captive screw including a spring (50) extending between a head (38) and a ferrule (10) and teaches to provide a spring is known by the disclosure of embodiments both with (Figs. 1-12) and without (Figs. 13-15) a spring. At the time the invention was made, it would have been obvious for one of ordinary skill in the art to provide the captive screw of Damm with a spring between the head a ferrule as disclosed in Ernest because Ernest teaches the it is well known to provide a spring to an otherwise un-sprung captive screw. The spring being operative to retract the screw facilitating installation.

Claim 1 is alternatively rejected under 35 U.S.C. 103(a) as being unpatentable over Ernest (US 3,465,803) in view of Damm (US 5,462,395). Ernest discloses a captive screw comprising a ferrule (10); a screw having a head (38), shank (44), threads (36) and collar (56); and a spring (50). The screw is captured in the ferrule. Damm

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discloses a captive screw wherein the collar (13 also see the Fig. 8) is formed on the shank. In view of Damm's disclosure, it would be obvious for one of ordinary skill in the art at the time the invention was made; to have the collar of Barry "formed on" the shank. The collar being formed on the shank would facilitate assembly of the screw in the ferrule since the screw collar would simply have to be press fit through the reduced diameter portion of the ferrule. Also, as in Damm the collar would operate as a standoff to engage a surface of a panel to limit penetration.

Claims 2-5 are rejected under 35 U.S.C. 103(a) as being unpatentable over modified Earnest as applied to claim 1 above, and further in view of Aukzemas. Aukzemas discloses the particulars of the ferrule. Specifically, the ferrule is disclosed as having a knurled outer surface including a groove (32) and annular lip (generally at 30). At the time the invention was made, it would have been obvious for one of ordinary skill in the art to the exterior of the ferrule of Earnest as disclosed in the Aukzemas in order to improve its attachment to the panel. The ring on the ferrule being bent is a produce-by-process limitation wherein it is merely the final product considered for patentability. Barry shows a ring (22).

Response to Arguments

In view of 131 Declaration, yet another non-final action was required. The other arguments being moot in view of the new rejection.

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Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Flemming Saether whose telephone number is 703-308-0182. The examiner can normally be reached on Monday through Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynne Browne can be reached on 703-308-1159. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-2168.


Flemming Saether
Primary Examiner
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